HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 28373 OF 1996
DATE: 23.1.2007

Between:

Kum. Vetchangi Radha, D/o Gouthanna, aged 23 years, and six others.

...Petitioners

AND

1. The Project Officer, ITDA, Paderu, Visakhapatnam District and one another.

....Respondents

HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 24619 OF 1996
DATE: 23.1.2007

Between:

Allangi Padma, D/o Ramana Murthy, and nine others

...Petitioners

AND

1. The Project Officer, I.T.D.A. and two others.

....Respondents

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HON’BLE SRI JUSTICE RAMESH RANGANATHAN

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WRIT PETITION NOS. 28373 & 24619 OF 1996

COMMON ORDER:

The grievance of the petitioner in this Writ Petition is that the respondents, while making appointments to 110 posts of Teachers in Girijana Vidya Vikasa Kendras, have not followed the Rule of Reservation.

It is stated in the affidavit filed in support of the Writ Petition that out of 862 candidates only 330 candidates came out successfully in the written test and in the interviews held on 6.11.1996 and 7.11.1996, the petitioners, who participated in the interview, were expecting that they would be selected. It is stated that though 130 Girijan Vidya Vikasa Kendras were started in Visakhapatnam Tribal area only 110 candidates were selected for 110 kendras and in the list of 110 candidates, only 7 women candidates were to be found. It is stated that failure on the part of the respondents to provide 30% reservation to women candidates was in violation of Article 15 of the Constitution of India.

Sri K.S.R. Murthy, learned counsel appearing for the petitioner, submits that since the notification itself prescribes reservation of 30% to women

candidates, the action of the respondents in failing to fill up 30% of the posts with eligible women candidates is ultra vires under Article 15(3) of the Constitution of India.

There are 10 petitioners in W.P.No. 24619 of 1996 and seven petitioners in W.P.No. 28373 of 1996. This Court, by interim order dated 6.2.1997, had directed the first respondent to reserve ten posts of teachers in W.P.No. 24619 of 1996 and seven posts in W.P.No. 28373 of 1996. The interim orders were later made absolute.

No counter affidavit is filed on behalf of the respondents and as such, the averments made in the affidavit filed in support of the petition remain un-rebutted. Failure on the part of the respondents, despite specifying in the notification that 30% reservation was provided in favour of the women, in not filling up 30% of the posts with women candidates is violative of Article 15(3) of the Constitution of India. Therefore, there shall be a direction to the respondents to fill up these 17 seats by providing 30% reservation in favour of the women from among the eligible women candidates strictly in accordance with the notification and their inter-se merit.

Accordingly, both the Writ Petitions are disposed of. No order as to costs.

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RAMESH
RANGANATHAN , J

Dated: 23.1.2007

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